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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,337	09/28/2001	Hirokazu Kondo	Q66004	2330

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EXAMINER

CHEN, PO WEI

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,337

Applicant(s)

KONDO, HIROKAZU

Examiner

Po-Wei (Dennis) Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8, 10-11, 13-14, 16-17, 19-20 and 22-23 is/are allowed.
- 6) ☒ Claim(s) 9, 12, 15, 18, 21 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

In response to an Amendment received on October 24, 2004. This action is final.

Claims 1-6 and 8-24 are pending in this application. Claims 1, 6 and 9 are independent claims.

The present title of the invention is "Color Reproduction Characteristic Display Apparatus, and Color Reproduction Characteristic Display Program Storage".

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 24 recites the limitation "said distance" in line 2 of claim 24. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Spaulding et al. (US 6,269,184; refer to as Spaulding herein).

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6. Regarding claim 9, Spaulding discloses a method and apparatus for interactive color transformation comprising:

A color reproduction characteristic display apparatus for displaying color reproduction characteristics wherein an association between coordinates of a first color space, said first color space being device-dependent and defining a color on image data and coordinates of a second color space, said second color space being device-independent and defining a color on an image are defined in accordance with a device for mediating between the image data and the image (see lines 1-5 of abstract, lines 51-65 of column 3, lines 1-30 of column 4 and lines 5-13 of column 5; it is noted that color space transformation of input and output data values can be device-independent color space such as a CIELAB color space).

A range designation section for designating a desired coordinate range in said first color space in accordance with an operation ("Second, the user is given the choice of manually choosing specific input color values to be mapped to specific output color values", see lines 64-67 of column 4 and lines 5-13 of column 5; also see lines 54-57 of column 5). It is noted that while the claim recites coordinate, it is clear that the values of the color space representing the same (see lines 1-10 of column 4). Thus, limitation of claim is met.

An image display section for displaying a color reproduction image in which there are plotted coordinate points on said second color space associated with coordinates within the coordinate range designated by said range designation section of coordinates of lattice points wherein said first color space is partitioned as a lattice ("In FIG. 5A the lattice indices would be determined by the input control values and the position of the nodes would be determined by the default mapping... The arrows in FIG. 5B represent the direction and distance that the

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corresponding color values in the output space have been moved when the user designates the constraints by picking the corresponding color values in the output space”, see lines 33-50 of column 7 and Fig. 5A-C).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spaulding et al. (US 6,269,184; refer to as Spaulding herein) as applied to claim 9 above, and further in view of Stokes (US 5,627,950).

9. Regarding claim 12, Spaulding does not disclose wherein said image display section plots a three-dimensional room around said color reproduction image. Stokes teaches a real-time three-dimensional color look-up table interactive editor system utilizing the method (lines 29-49 of column 4 and Fig. 1 and 3; claim broadly recites three-dimensional room, it is clear that the lattice reproduction image displaying using three-dimensional color space meets the limitation).

10. Claim 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spaulding et al. (US 6,269,184; refer to as Spaulding herein) as applied to claim 9 above, and further in view of Takizawa et al. (US 5,625,762; refer to as Takizawa herein).

11. Regarding claims 15, 18 and 21, Spaulding does not disclose at least two different types of rotation for posturing the image include i) follow rotation and ii) absolute rotation; wherein said follow rotation comprises displaying a color image which is rotated by a rotary angle

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according to an operating amount around an axis in accordance with an operation and said absolute rotation comprises displaying a color image of beginning at an initial state and the rotation around various axes are performed in a named order. Takizawa disclose a method of obtaining color vector utilizing the method (line 50 of column 5 to line 41 of column 6 and Fig. 2-4; the user is able to input parameters for rotation angle (follow rotation) and rotation axes (absolute rotation) and the initial stage of projection of the color values corresponds to the beginning of the initial state of the rotation). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Takizawa to provide the advantage of manipulate and process color space values without requiring vast steps of computations (lines 49-67 of column 2 of Takizawa).

Allowable Subject Matter

12. Claims 1-6, 8, 10-11, 13-14, 16-17, 19-20 and 22-23 are allowed.
13. The following is a statement of reasons for the indication of allowable subject matter:

Prior art references do not anticipate or suggest the limitation "wherein said image display section displays the color reproduction image together with information as to a distance in said second color space, said distance noting a color difference of, and corresponding to, two points on the color reproduction image designated by said display plot designation section" in combination with the other claim limitations in claims 1 and 6.

Response to Arguments

14. Applicant's arguments, see pages 10-12, filed October 25, 2004, with respect to claims 1 and 6 have been fully considered and are persuasive. The 35 U.S.C. 102 rejection of claims 1 and 6 has been withdrawn.

Applicant's arguments, see pages 12-13, filed October 25, 2004, with respect to claim 9 have been fully considered but they are not persuasive.

The Applicant argues reference Spaulding does not teach or suggest a first color space that is device-dependent and a second space that is device-independent. However, this is known in the art taught by Spaulding ("a first or input color space denoted as ABC (where ABC could represent RGB....CIELAB, etc) into...a second or output color space denoted as DEF (where DEF could represent the color spaces as listed above)...", lines 24-30 of column 4). It is noted that the first color space can be defined as a device-dependent color space such as RGB, and second color space can be defined as a device-independent color space such as CIELAB.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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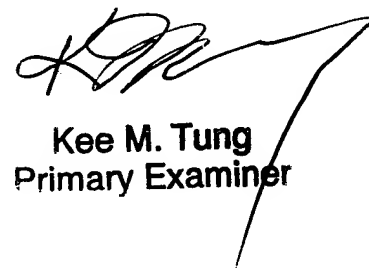
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (571) 272-7783. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen
Examiner
Art Unit 2676

Po-Wei (Dennis) Chen
March 30, 2005



Kee M. Tung
Primary Examiner